

Application No. : 10/682,339
Art Unit : 3712

Attorney Docket No. 22395.00
Confirmation No. 8713

REMARKS

By the present amendment, Applicants have amended Claims 1 and 4, cancelled Claims 2 and 3, and added Claims 8-11. Claims 1, and 4 through 11 remain pending in the present application. Claim 1 is an independent claims.

Applicants appreciate the courtesies extended to Applicants' representative during the personal interview held September 7, 2004. The present response summarizes the substance of the interview. At the interview, a prototype of Applicants' invention was demonstrated and a proposed amendment of Claims 1 and 4 was presented, along with proposed new Claims 8 and 9. Proposed amended Claim 1 sets forth additional limitations to more particularly define the pocket flap and the message medallion, clarifying that the message pocket is disposed on the exterior surface of the fabric shell and further describing the message medallion as being formed from a flat sheet of material having a front surface. The proposed new Claims 8 and 9 were directed to the necklace attached to the message medallion, and were not discussed. Arguments were advanced regarding amended Claim 1 that the cited references fail to teach the message pocket and message medallion of Applicant's invention. The Examiner indicated that the proposed amendment appears to overcome the prior art rejections of record. However, the Examiner identified the Slawin patent (US 6,146,722), showing an animated figure having a means for retaining and visually displaying a picture. Applicants' representative noted that Slawin's means for retaining and visually displaying a picture differs from Applicants' message pocket in that Slawin's retaining and displaying means

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lacks an open top whereby a message medallion can be readily insertable and removable therefrom. While no formal agreement was reached, the Examiner consented to withhold a final decision until Applicants' filed response is fully considered.

In the recent Office Action the Examiner rejected Claims 1 and 3 under 35 U.S.C. § 102(b) as being anticipated by Lee. Claims 1, 3-5, and 7 were rejected under 35 U.S.C. § 102(b) as being anticipated by Larian. Claims 1-3 were rejected under 35 U.S.C. § 102(b) as being anticipated by Lewis. Claim 4 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Lewis. Claims 1, 2, and 5-7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Lewis in view of Matos. Claim 6 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Larian in view of Hooper.

Applicants will advance arguments hereinbelow to illustrate the manner in which the presently claimed invention is patentably distinguishable from the cited and applied prior art. Reconsideration of the present application is respectfully requested.

Claim 1 has been amended to more particularly define Applicants' unique construction in view of the prior art of record. Regarding the rejection of Claims 1 and 3 as being anticipated by Lee, and the rejection of Claims 1, 3-5, and 7 as being anticipated by Larian, both Lee and Larian disclose a stuffed figure having a pocket for retaining a small electronic device. In Lee, a pocket in the stuffed figure retains an electronic heartbeat simulator. The electronic heartbeat simulator comprises a housing containing electronics, and a heart-shaped switch actuator extending from the housing and in communication with a switch contained within the housing. In Larian, a pouch in the stuffed figure contains a small electronic

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game. The small electronic game comprises a housing containing electronics and an electronic visual display.

The Examiner relies on the small electronic device housing, in both Lee and Larian, for teaching a message medallion. However, Applicants' message medallion is made from a flat sheet of material, in contrast to the electronic device housing of Lee and of Larian. The Examiner further relies on the heart-shaped switch actuator in Lee, and the electronic visual display in Larian for teaching a visual indicia disposed on the message medallion. In Applicants' invention, visual indicia is formed directly on a surface of the message medallion, and not extended from a housing, as is the case for Lee, or the result of an electronic visual display, as is the case for Larian. Applicants have amended Claim 1 to more clearly state that the message medallion is formed from a flat sheet of material having a front surface, and that the visual indicia are formed on the front surface of the flat sheet of material.

The Examiner cites both Lee and Larian for teaching a message pocket. However, in each of Lee and Larian a pocket is formed within the fabric figure, and not on the figure's exterior surface. Applicants have amended Claim 1 to more clearly state that the message pocket is formed by a pocket flap attached to the exterior surface of the fabric shell.

Regarding the rejection of Claims 1-3 under 35 U.S.C. § 102(b) as being anticipated by Lewis, Applicants respectfully submit that Lewis fails to teach a message pocket on the exterior surface of a stuffed figure. Instead, Lewis shows a stuffed figure having an opening wherein is received a multi-sided display device. Pictures or photographs are inserted into pockets on the side faces of the multi-sided display

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device, and the multi-sided display device then placed into the stuffed figure. This arrangement, however, is unlike Applicant's message pocket. As noted above, Applicants have amended Claim 1 to more clearly define the message pocket.

Regarding the rejection of Claims 1, 2, and 5-7 as unpatentable over Lewis in view of Matos, Matos fails to supplement the deficiencies of Lewis. Matos teaches a universal connector in the form of a flat member having a plurality of slots and a plurality of tongues, whereby the multiple connectors may be joined to one another by inserting a tongue of one connector through a slot of a second connector. However, Matos fails to teach or suggest the combination of the connector with a stuffed figure. Moreover, as discussed above, Lewis fails to teach or suggest Applicants' message pocket. Therefore, the combination of Lewis and Matos cannot teach or suggest the limitations of amended Claim 1.

Applicants have added new dependent Claims 8-11 which more fully describe features of the message medallion.

Applicants respectfully submits that for at least the above reasons, amended Claim 1 and its corresponding dependent Claims 4-11 are allowable over the prior art applied of record.

The claims in this application have been revised to more particularly define applicants' unique construction in view of the prior art of record. Reconsideration of the claims in light of the amendments and for the following reasons is respectfully requested.

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For the foregoing reasons, Applicants respectfully submit that the present application is in condition for allowance. If such is not the case, the Examiner is requested to kindly contact the undersigned in an effort to satisfactorily conclude the prosecution of this application.

Respectfully submitted,



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